

**ENTERED**

May 14, 2024

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

SHARON WHEATFALL,

Plaintiff.

V.

H-E-B GROCERY COMPANY, LP,

Defendant.

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CIVIL ACTION NO. 4:23-CV-01961

**ORDER ADOPTING MAGISTRATE JUDGE'S  
MEMORANDUM AND RECOMMENDATION**

On January 22, 2024, Defendant's Motion to Dismiss (Dkt. 11) and Plaintiff's Motion to Remand (Dkt. 15) were referred to United States Magistrate Judge Andrew M. Edison under 28 U.S.C. § 636(b)(1). Dkt. 21. Judge Edison filed a Memorandum and Recommendation on April 29, 2024, recommending the Motion to Remand (Dkt. 15) be **DENIED** and the Motion to Dismiss (Dkt. 11) be **GRANTED**. Dkt. 22.

On May 13, 2024, Plaintiff filed her Objections. Dkt. 23. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; see also FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and Recommendation; the pleadings; and the record. The Court **ACCEPTS** Judge Edison's

Memorandum and Recommendation and **ADOPTS** it as the opinion of the Court. It is therefore **ORDERED** that:

- (1) Judge Edison's Memorandum and Recommendation (Dkt. 22) is **APPROVED AND ADOPTED** in its entirety as the holding of the Court; and
- (2) Plaintiff's Motion to Remand (Dkt. 15) is **DENIED**; and
- (3) Defendant's Motion to Dismiss (Dkt. 11) is **GRANTED**.

It is so **ORDERED**.

SIGNED and ENTERED this 14th day of May 2024.

  
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GEORGE C. HANKS, JR.  
UNITED STATES DISTRICT JUDGE